

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

PAUL RAYMOND BUITRON, III	§	
<i>Plaintiff</i>	§	
	§	
v.	§	CIVIL ACTION NO. <u>2:21-cv-00067</u>
	§	
AEP TEXAS, INC.	§	
<i>Defendant.</i>	§	

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW, AEP Texas, Inc. (“AEP Texas”) and respectfully submits this Notice of Removal pursuant to 28 U.S.C. §§1332, 1441, and 1446.

I. BACKGROUND

1. On or about October 18, 2021, Plaintiff sued Defendant AEP Texas in his Original Petition filed in the 365th Judicial District Court of Zavala County, Texas. The Petition asserts claims for Breach of Contract and Negligence arising out of damages that the Plaintiff allegedly sustained as a result of the incident in question. According to Plaintiff’s allegations, Defendant had “an agreement” with Plaintiff’s father to build and maintain an easement on Plaintiff’s father’s ranch. Plaintiff alleges that Defendant negligently caused Plaintiff’s exotic animals to escape his father’s ranch during repairs and/or maintenance of the easement, resulting in the death of one of the animals. *See Plaintiff’s Original Petition pp. 2-3.*

2. This case is removeable because under 28 U.S.C § 1332, there is complete diversity of citizenship between Plaintiff and the Defendant.

3. AEP Texas was served with this lawsuit on November 1, 2021, and filed its Original Answer on November 16, 2021. This notice of removal is properly filed within the 30-day time period

required by 28 U.S.C. §1446(b)(1).

II. BASIS FOR REMOVAL – DIVERSITY OF CITIZENSHIP

4. Plaintiff and Defendant are of diverse citizenship.

5. Defendant AEP Texas is a Delaware corporation with its principal place of business in Columbus, Ohio.

6. According to Plaintiff's Original Petition, Plaintiff is a resident of Laredo County, Texas. *See Plaintiff's Original Petition pg. 1.*

III. AMOUNT IN CONTROVERSY AND VENUE

7. Plaintiff has pled damages in excess of the statutory minimum for purposes of diversity of jurisdiction. See 28 U.S.C §§1332(a) and 1446(c). See Plaintiff's Original Petition pg. 1.

8. Venue for this removal is proper under 28 U.S.C §1446(a) because this Court is the United States District Court for the district and division corresponding to Zavala County, Texas, the place where the state court action is pending.

IV. DOCUMENTS FROM THE REMOVED ACTION

9. The following documents are attached to this Notice of Removal:

Exhibit 1: All executed process in the case;

Exhibit 2: Pleadings asserting causes of action and all answers to such pleadings;

Exhibit 3: The state court docket sheet;

Exhibit 4: An index of matters being filed; and

Exhibit 5: A list of all counsel of record, including address. Telephone numbers and parties represented.

10. AEP has served Plaintiff with a copy of this Notice of Removal and forwarded it for filing

with the Clerk for the District Court of Zavala County, Texas in Cause No. 21-10-14829-ZCV, *Paul Raymond Buitron, III v. AEP Texas, Inc.* in the 365th District Court of Zavala County, Texas in accordance with 28 U.S.C. § 1446(d).

V. CONCLUSION

11. In accordance with 28 U.S.C. § 1441, AEP Texas, Inc. may properly remove the state court action to this Court because (1) it is a civil action pending within the jurisdiction of the United States District Court for the Western District of Texas, Del Rio Division; and (2) there is complete diversity of citizenship between Plaintiff and the Defendant.

Respectfully submitted,

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By: /s/ Mark W. Farris
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**ATTORNEY FOR DEFENDANT
AEP TEXAS INC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 19th, day of November 2021, a copy of Defendant AEP Texas Inc.'s Notice of Removal was served via CM/ECF on the following attorneys:

THE NOTZON LAW FIRM

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Laredo, Texas 78041

ATTORNEY FOR PLAINTIFF

/s/Mark W. Farris

Mark W. Farris